

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BRIELLE LYN SESTITO,

Plaintiff,

v.

CAROLYN W. COLVIN, Commissioner  
of the Social Security Administration,

Defendant.

CASE NO. 13-cv-05286 BHS

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 20.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the

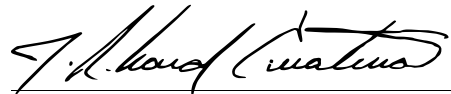
Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative proceedings, including the following actions:.

- The ALJ shall conduct a *de novo* hearing, develop further the record and issue a new decision;
- The ALJ shall reevaluate and develop further the medical evidence or record;
- The ALJ shall reevaluate steps two and three of the sequential evaluation process;
- The ALJ shall reevaluate plaintiff's credibility pursuant to SSR 96-7p;
- The ALJ shall reevaluate the lay witness evidence of record from Pamela Miller, Bryan Medina, and Tanessa Read;
- The ALJ shall reevaluate plaintiff's RFC pursuant to SSR 96-8p, and;
- The ALJ shall reevaluate steps four and five of the sequential evaluation process with the assistance of a vocational expert, as necessary.

Following proper presentation, this Court will consider plaintiff's application for costs and attorney's fees pursuant to 28 U.S.C. § 2412(d).

Given the facts and the parties' stipulation, the Court recommends that the District Judge immediately approve this Report and Recommendation and order the case be **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

Dated this 1st day of October, 2013.



J. Richard Creatura  
United States Magistrate Judge